

## **Applied positive criminology: Reentry and transition planning circles for incarcerated people and their loved ones**

**Abstract:** This reentry and transition planning process for individual incarcerated people and their loved ones applies restorative justice, solution-focused brief therapy and public health learning principles. The process is an example of applied positive criminology. The circle group process is strength based and goal oriented. It is an optimistic approach that gives imprisoned people the opportunity to be accountable for their lives, including working toward making amends for past harmful behavior, and addressing the effects that their imprisonment has had on loved ones, and the community. Individual imprisoned people find concrete ways to desist from crime by planning to meet their needs including reconciliation, social support, employment, housing, transportation, education, and health. An incarcerated person's loved ones participate in the circle process and can address any harm they may have suffered due to the criminal behavior and imprisonment.

**Key words:** reentry circles, positive criminology, restorative justice, public health, solution-focused brief therapy, healing, trauma, forgiveness, optimism

### **Introduction**

“What have you accomplished since you've been in prison that you're most proud of?” the facilitator asks Blake, a 43 year old man incarcerated for burglary. It is June 2005, and Blake sits in a circle with his two brothers, his father, two of his incarcerated friends, and his substance abuse counselor. The group sits in a dark classroom, with bright blue linoleum flooring, at a Hawai'i state prison. It is the fourth reentry and transition planning circle being held at the prison for incarcerated individuals through a new pilot program.

“Seeing my faults for the first time and being clean for two years, giving love to my family,” and “knowing what's right, having the courage to make the decisions to make a better life,” are some of the things that Blake says he is most proud of having

accomplished while imprisoned. As he speaks, a woman standing outside the circle neatly prints with a felt pen on large sheets of paper taped to the wall, each of the accomplishments that Blake mentions.

Next the facilitator asks each person in the circle, “What do you think Blake’s strengths are? What do you like most about him?” The group’s suggestions make a long list and include: “soft hearted, determined, great work ethic, working on being more lovable, he’s a good dad, loves and respects his family, never minimized his problems, knows he needs to change.” As the individuals in the group mention Blake’s numerous strengths, his eyes become glassy.

After group identifies Blake’s strengths, the facilitator proceeds to the next step in the reentry circle. She says: “Another strength of Blake’s is he’s accountable for his past behavior. He asked for this circle because he wants to make things right with you. His being responsible for his actions is another strength. Which brings us to the reconciliation stage of the circle.”

The facilitator asks Blake first: “Who do think was most affected by your past behavior and imprisonment?” After he reflects a few moments, he softly says: “My family. My dad and my brothers.” The facilitator asks: “How do you think they were affected?” “I took our company money and bought drugs. My father and brothers trusted me. I kept lying and taking all the cash out of the office. I was in the throes of my addiction. I didn’t care about anything, but getting high. I destroyed my family’s faith in me. I destroyed my faith in me.”

Next Blake's family describes how they were affected by his behavior and imprisonment, and they say what Blake could do to repair the harm he caused. They say that losing their trust in him and their financial loss were the main ways he harmed them. When asked what Blake might do to repair this damage, they say, "Earn back our trust." The facilitator asks them, "What could Blake do to earn back your trust?" They respond: "It's gonna take time, but he'll have to show us he's trustworthy." The facilitator asks: "And what will he be doing when he's showing you he's trustworthy?" "He'll be living life right," they respond. "What's he doing when he's living life right?" the facilitator probes further. "He's clean, being honest, working," they respond. Next she asks Blake: "Can you do that? Show you're trustworthy by being clean, honest, and working?" "Yes, I can," he says looking at his father and brothers. "I'm done with getting high. It wrecked my life. I lost everything. I know you can't trust me now. I'm not asking you to, but I'm gonna show you. Looking directly at his father, he says, "I'm a different man than when I came in here. I'm the person you raised." With tears welling in his eyes, he says, "I'm sorry," and looks down. Blake's father, who is 72 years old, has participated in the circle, unemotionally with cryptic statements and a stoic face. But when Blake chokes up while apologizing, he places his hand above Blake's kneecap and gives him a gentle squeeze. This small gesture brings more tears for Blake, and others in the circle.

Blake's circle takes the scheduled three hours. Several days later a typed five page *Circle Summary & Transition Plan* is sent to each circle participant's household. Blake's is sent to him at the prison, which is considered the household too for his two incarcerated friends who participated in his circle. Blake (a pseudonym) gave the author

permission to write about his experiences described in this chapter. The author facilitated Blake's reentry circle, developed the circle model described herein, and has followed his progress for nine years.

Since 2005, 112 reentry circles have been studied., One hundred and two (102), have been provided in Hawai'i for people in prison (including five juveniles incarcerated in a youth prison). Out of the 102 circles, nine were follow-up circles.<sup>1</sup> The total number of incarcerated people who have had reentry circles in Hawai'i is 93. Additionally, four adults were out of prison when they had circles and five people were getting off of probation (three of those people were in California). Finally, two people, one released from a immigration detention center and one out of prison for some years, were provided reentry circles by the author during workshops training therapists on the intervention in Finland and Japan..

A total 510 people, including prison staff and other participating professionals, have attended the 112 reentry circles. Each was surveyed on their impressions of the process, and one hundred percent (100%) have reported that they believe the circle process was positive.

The reentry circle model was developed at a Hawai'i men's prison in 2005 and has been provided at the women's prison since 2006. The circles are also being replicated at a New York jail and for probations in California. A handbook describing the

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<sup>1</sup> The reentry circle model includes follow up "re-circles," which are provided as requested to imprisoned and formerly imprisoned people. Re-circles are not regularly requested. With sufficient resources facilitators would ideally contact individuals who had circles and ask if they wanted a re-circle, which would likely increase the numbers of re-circles provided and probably make the process more effective. The 9 re-circles provided to date included three for one individual who requested them.

intervention in detail (Walker & Greening, 2013) is available and sells an average one a week on Amazon.com in North America and Europe.

Incarcerated people who are accountable for harm that they have caused their loved ones and the community at large apply for the circles in Hawai‘i. The three hour circle process addresses their needs to desist from crime and substance abuse, which includes how they might make amends, and possibly make things right, with people that their past behavior and imprisonment have harmed. Specific goals including housing, employment, obtaining necessary documents, e.g. social security and identification cards, are addressed and planned for during the circle.

Circle participants include the incarcerated person’s invited loved ones, any other supporters, including any professionals the incarcerated person wants to invite, and always a prison representative.<sup>2</sup> A main feature of the circle process is that the incarcerated person, not professionals, creates the reentry plan. The incarcerated person’s supporters offer suggestions during the process, but it is the incarcerated person who decides what her or his goals are, how they might be achieved, and what they can do to make amends, and repair damaged relationships.

The process is restorative and solution-focused (Walker & Greening, 2013). It assumes a primary need of an imprisoned person is for reconciliation . “While many consider reconciliation to be synonymous with restoration . . . [reconciliation for the reentry circle purposes] can simply mean the process of making consistent or compatible”

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<sup>2</sup> There is also a *modified reentry circle* model provided to incarcerated people in a 12 week cognitive course, *Restorative Justice as a Solution Focused Approach to Conflict & Wrongdoing*, with fellow incarcerated people participating as supporters instead of loved ones. The modified circles often lead to ones with families (Walker, 2009).

(Id., p. 42). An imprisoned person can seek reconciliation and how they might make things right with harmed loved ones, with the community, including unrelated crime victims, and with oneself.

When a person in prison applies for a circle she or he is interviewed. One of the first things the facilitator tells the applicant when meeting them in prison is: “It’s great that you are accountable for wanting to make things right with people who’ve been harmed by your behavior and imprisonment!” This statement is an “invitation to responsibility” (Jenkins, 2001) that assumes the incarcerated person has “good” character strengths, which positive criminology focuses on. In the 93 interviews for circles conducted in Hawai’i, all imprisoned people readily accepted this “invitation to responsibility.”

### **Reentry Circles Are a Public Health Approach**

The circle process uses public health education principles defined in 1954 by the World Health Organization (WHO, 1954) “that learning is more likely to occur with a focus on individuals’ goals; positive motivation; group settings; and experiential activity-based processes” (Walker & Greening, 2010).

The circles apply restorative justice by providing incarcerated people with a practical process for taking responsibility to repair the harm that their crimes and their imprisonment have caused. An incarcerated person meets with their invited loved ones and hears first hand how their loved ones were harmed, and what their loved ones need for them to do to repair the harm. The circle model is an engaging activity-based process for all participants.

Re-earning trust is a common request that loved ones make for the incarcerated person to repair the harm. It is also what Blake's family said they needed him to do to help repair the harm he caused. Almost nine years after Blake's circle he continues to believe, "It was healing for my family and for me."

The circles are goal oriented, strength based, and apply other solution-focused brief therapy principles (De Jong & Berg, 2013). The solution-focused approach is based on the belief that it is easier to get people "to repeat already successful behavior patterns than it is to try to stop or change existing problematic behavior" (Berg, 1994, p. 10). The solution-focused approach assumes that there are times when the problematic behavior does not exist and that there are exceptions to all problems. For example when discussing Blake's prior substance abuse problem, which he brought up during the circle, the solution-focused facilitator asked: "How have you managed to stay clean for the last two years?" She did not ask him about his problems including: "Why did you use drugs?"

### **Reentry Circles Apply Positive Criminology**

The percent of people who relapse after release from American prisons, and return to them within three years, ranges from 52 percent (Bureau of Justice Statistics, 2002) to 40 percent (Pew, 2011). Both figures are too high and indicate the need to improve correctional strategies, which positive criminology approaches can contribute to.

Positive criminology as used here, is "based on the school of positive psychology, which emphasizes the impact of positive experiences on people (Gable & Haidt, 2005; Seligman & Csikszentmihalyi, 2000)" (Ronel, et al, 2011, p. 1418).

Positive criminology refers to a focus on individuals' encounters with forces and influences that are experienced as positive, which distance them from deviance

and crime, whether by means of formal and informal therapy programs and interventions, such as self-help groups; through emphasis of positive social elements, such as exposure to goodness, social acceptance, and reintegrative shaming; or based on positive personal traits, such as resilience and coherence (Ronel & Elisha, 2011, p. 305).

Instead of focusing on why people commit crimes, and why they engage in deviant behavior, positive criminology “is oriented to human strengths and positive encounters that may assist offenders to desist from crime and deviant behaviors (Ronel & Elisha, 2010)” (Bar-Ilan University, 2013). Positive criminology emphasizes “adaptation of ‘positive components’ (e.g., acceptance, compassion, encouragement, faith, forgiveness, goodness, gratitude, humor, positive modeling, spirituality) with individuals and groups participating in prevention, rehabilitation, and recovery programs” (Bar-Ilan University, 2013).

The reentry circles provide participants with the opportunity to express and receive “acceptance, compassion, encouragement” and other the “positive components” that positive criminology emphasizes. In strength based and concrete ways, the circles address in the specific needs that an incarcerated person has for a successful reentry and make her the driving force for planning the direction of her life. The circles give an incarcerated person an experience in being directly responsible for her needs. The first need considered, is the need for reconciliation. This includes the imprisoned person’s reconciliation with their loved ones, the community at large, and with themselves.

### **Reentry Circles Plan Address Reconciliation and Healing**

Whenever an individual commits a crime and becomes imprisoned, they directly, and always indirectly, create potential harm for their loved ones. Whenever someone is



imprisoned, their loved ones suffer. When children lose a parent to prison, and when parents lose adult children to prison, they are all subject to serious harm and suffering from the loss. Imprisonment often creates trauma, shame, and other debilitating emotions for the loved ones of incarcerated people (Murray, 2005). “Qualitative research suggests that parental imprisonment affects children because of separation, stigma, loss of family income, reduced quality of care, poor explanations given to children, and children’s modeling of their parents’ behavior” (Murray & Farrington, 2005, p.1276).

The circles provide loved ones with the opportunity to express their pain and consider what the imprisoned person might do to help repair the harm. A primary purpose of the circle process is to give the people harmed by the imprisoned person’s crime and imprisonment an opportunity to heal. Healing for the purposes of the circle is a unique experience for each participant. In a study of how the reentry circles may benefit children and youth, “Healing was operationalized as the ability to move past the trauma of losing their parent and letting go of painful memories, which can be defined as forgiveness and increased optimism” (Walker, Tarutani & McKibbin 2014 *in press*).

Forgiveness for the circle’s purpose is defined as the ability to see that: “Our past is not responsible for our present feelings” (Luskin, 2003, p. 110). It is the ability to accept that hurtful experiences and injustices happen in life. This kind of forgiveness is based on the understanding that we cope best by putting our time into working for what we want, instead of ruminating about painful experiences. Luskin has successfully taught forgiveness as a cognitive skill that can be learned and developed by people who have suffered the most extreme losses including parents of murdered children (Id). After one

has grieved for the loss, focusing on what they want and how to obtain it can lead to a way out of the pain, which staying stuck remembering the loss constantly leads to.

Luskin, 2003).

We have experimented with providing Luskin's forgiveness approach in a 12 week solution-focused and restorative justice education course, which the author developed and has provided at prisons Hawai'i since 2005 (Walker & Sakai, 2006). Overwhelming incarcerated people in the program over the years, about 500 to date, have said that learning about forgiveness was one topic they liked most about the course. One woman in the 12 week program quoted the following from Luskin's work as particularly meaningful: "When we blame another person for how we feel, we grant them power to regulate our emotions. In all likelihood, this power will not be used wisely, and we will continue to suffer" (Luskin, 2003 p. 29).

Decreasing negative rumination helps increase optimism and can alleviate depression (Seligman, 1998). Forgiveness can help decrease rumination. Forgiveness is also cited in positive criminology as an "adaptation of 'positive components'" for people "in prevention, rehabilitation, and recovery programs" (Bar-Ilan University, 2013).

Forgiveness is not a requirement of the circles, and circle facilitators do not suggest that forgiveness be granted or considered. Circle applicants are informed during the interview "not ask for forgiveness" especially from their children (Walker, et al, 2014, in press). Circle participants, however, often bring up forgiveness and discuss it independently. When they do, open discussion of it is facilitated during circles.

Forgiveness as a concept, and as described here according to Luskin's definition, has only been used in the program for operationalizing how the circles might be healing, e.g., decreasing rumination of past traumatic events by accepting they happened and no longer spending time wishing that they had not.

While reconciliation ideally includes repaired relationships, this is not always possible. Some loved ones harmed by an incarcerated relative do not wish to participate in a circle. But even in these cases, the incarcerated person along with the support of those who do attend the circle, can address what might be done to repair the harm.

Often a loved one who is unwilling to participate, is willing to tell the facilitator who convenes the circle how they were harmed by the imprisoned person's behavior and incarceration, and what they would like them to do to try and repair it. This information can be gathered during a telephone conversation prior to the circle and read during the circle.

In a case that the author facilitated, the paternal grandmother of children that she was raising, mainly due to their mother's imprisonment, refused to participate in the circle. The imprisoned woman was a long-time drug user and spent about 17 years in prison for many crimes, and most recently for burglary, theft, and prison escape. She had no contact with her minor children for most of those years. The grandmother was angry that the mother "chose drugs over her children." She believed the children were safer without contact with their mother who had repeatedly relapsed in the past.

Despite her resentment, the grandmother provided information that was read during the incarcerated woman's circle concerning the harm she caused, and what could

be done to repair it (the grandmother also said that the woman's having "a lot of children" was a strength and was included in the list of the woman's strengths generated during the circle).

To repair the harm, the grandmother said the woman could: "Not try and contact me and the children until they are over 18; let your kids come to you if they ever want to meet with you; do not mess up the children again." The imprisoned woman agreed to do these things and they were included in her reentry plan. When the grandmother was asked if her providing information for the circle was "in anyway helpful for you," she replied: "Yes, I was worried she would come and try and find the kids, and now I feel relieved she won't." The mother too was thrilled that the grandmother provided information, and that she was also willing to be read over the telephone an apology letter that the woman wrote to her after the circle.

Many reentry plans include remedies that the imprisoned person has made to repair harm to others beyond the circles. In a circle for an imprisoned person concerning a murder, an unrelated victim was the brother of the woman who was killed. The brother did not attend the circle, but the harm he suffered was considered and addressed. It was decided that the imprisoned person would write him a "restorative apology letter." Guidelines for the letter were provided from this chapter's author, who also facilitated the circle and co-developed a free website for people to prepared meaningful apology letters.<sup>3</sup> Before the letter was sent, the imprisoned person's prison counselor signed a statement on it that she had reviewed it and believed it was written with sincerity. The

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<sup>3</sup> [www.apologyletter.org](http://www.apologyletter.org) was developed by Finnish psychiatrist Ben Furman, MD, and the author.

facilitator also called the victim to get his consent for the letter to be sent to him.

Permission to send the letter was granted, and knowing that it was likely read, was an important measure for the imprisoned person in dealing with her shame and remorse.

Often imprisoned people have hurt people in the community who they do not know. In these cases many imprisoned people, whose circles the author has facilitated, have stated that, “Staying clean and sober,” is how they plan to repair the harm for the community at large. Further, several incarcerated people have said, without anyone suggesting it to them, that “obeying prison rules” was something that they would do to make things right for the community harmed by their criminal behavior and incarceration.

Many imprisoned people seek reconciliation with themselves. The author’s work in Hawai‘i prisons for almost a decade, shows that out of the approximately 500 incarcerated people she has worked with, almost all were remorseful for some behavior and for their imprisonment. Understandably many suffer from tremendous shame and guilt for their behavior. Their being accountable, trying to do something to repair the damage they have caused to those they love, and the community at large, helps them address these difficult emotions. It is likely too that circles with loved ones while one is incarcerated may increase more productive outcomes for the imprisoned person while incarcerated. Loved ones who know the incarcerated person is accountable and wants to make amends are more likely to be supportive of them. Having support from loved ones can help an incarcerated person persevere through the numerous hardships of prison (Sykes, 1958; Mills, 2005).

Reconciliation can occur between loved ones too during the circles. In one circle a mother attended on behalf of her imprisoned son. She had conflicts with her son's former spouse, who was also the mother of his children. The former spouse and the children attended the circle with the grandmother who complimented the mother for her good efforts in raising the children without their father. The spouse expressed gratitude for the kind words. The encounter helped resolve the conflict between the women who hugged and began a better relationship after the circle.

In addition to discussing and making plans for how the individual imprisoned person might repair the harm that he or she caused their loved ones and the community, other elements for desistance and successful reentry, including finding and maintaining employment, and maintaining relationships with law abiding others, are also addressed.

The circles address specific needs for: housing; employment; continued learning (may or may not be formal education and can be anything the person is interested in learning about); use of leisure time; emotional and physical health maintenance; identification of supporters; any other unique needs the person may identify, e.g. need for a divorce, locate missing family members, etc.; dates for follow up circles to assess how successful the reentry plan was and any adjustments to it that are necessary (it is assumed that plans change).

### **Reentry Circles Promote Desistance**

Providing circles soon after conviction is ideal because it can help incarcerated people begin the desistance process while they are in prison. The circles give an imprisoned person the opportunity to explain the positive changes they have made, why

and how they will maintain them. This narrative story telling is important for desistance (Maruna, 2006). As Blake explained to his father and his brothers he became “a changed man.” His telling them this story reinforced his narrative that he did wrong but he learned from it and was reformed now.

Desistance is an ongoing process and “sustained desistance most likely requires a fundamental and intentional shift in a persons sense of self” (Maruna, 2006, p. 17). “[D]esistance from crime is not considered to be a single event, but rather a gradual process that includes the transition from a delinquent social network to a normative one” (DeLisi, 2005)” (Ronel & Elisha, 2011, p. 311).

For most people coming out of American prisons, their most important need is to desist from crime. Criminal desistance usually includes how they will stay clean and sober when they return to their communities (Maruna, 2006).

There is a difference between looking at criminal behavior in terms of recidivism and desistance. Recidivism is about relapsing, committing crimes and violating parole and probation. For corrections, recidivism considers who becomes re-incarcerated, and tries to determine the causes of it. Recidivism is problem focused while desistance is solution-focused.

Desistance is about how people become and stay law abiding. People who desist from crime are not engaging in criminal activities. “In addition to the cessation or reduction of criminal activities, the concept of desistance as a process generally also encompasses positive outcomes in terms of individuals’ behavior and integration into society” (National Research Council, 2007, p. 21).

Desistance occurs naturally, and research on “offenders from adolescence to age 70 shows that most offenders desist, with the bulk of offenders not experiencing additional arrests after age 40 (Blokland et al., 2005; Laub and Sampson, 2003)” (Kurlychek, et al, 2006, p. 485).

### **Reentry Circles are Culturally Relevant**

In Hawai’i the reentry circle process is called “huikahi.” Translated from Hawaiian into English, *hui* means group, and *kahi* means individual. A Native Hawaiian prison warden, Mark Patterson, named the circle process when it was introduced at the Hawai’i women’s prison which he administers. “Huikahi means individual and group, and they’re coming together in the circle to make a mutual understanding or covenant,” warden Patterson said. Organizations replicating the circles use different names for the process. In Santa Cruz, California it is called *Family Reentry Circles*, and in Rochester, New York the reentry circles are called *Family Circles*. Having each place adopt its own name for the process makes it a more culturally relevant process for that community. Further, every incarcerated individual *opens* their circle however they choose, i.e., with a prayer, song, or a prepared statement. In Hawai’i sometimes people open their circles with Hawaiian chants. Opening the circles in each person’s unique way also helps keep the process personalized, and incorporates their cultural heritage.

### **Outcomes of Circle Process**

All 510 participants surveyed, as described in this chapter in the 112 circles provided to date, report that the process was positive. Research also shows promise for increasing healing for youth and children who participate in their parent’s circles



(Walker, et al, 2014, in press).

A small sample of 23 people in 2010, who had circles in Hawai'i prisons at least two years before reviewing their status for recidivism, showed: "Approximately 70 percent have not been in contact with the criminal justice system and the remaining 30 percent have either been charged or convicted of new crimes, or violated the terms of their parole and are back in prison" (Walker & Greening, 2013, p. 71).

## **Conclusion**

The circles are an example of a positive criminology approach, which demonstrates the call for multi-leveled integration: social, self and spiritual. The circle process creates more effective reentry for people transitioning from prison, and healing, including for those harmed and usually not considered by the criminal justice system. "[I]t is not a primary goal of the criminal justice system to address victim needs, let alone to achieve victim 'satisfaction.' Their goal instead is to apprehend and punish assailants while deterring other potential offenders" (Hotaling & Buzawa, 2003, p. 36). Positive criminology approaches, including the reentry circle, can help people normally overlooked by the criminal justice system.

People in prison who apply to have circles are positively self-selected. They want to repair their relationships with loved ones. They are accountable and willing to be responsible for their lives, which distinguishes them from others in prison without similar motivation. Even if people who have circles would desist from crime without the intervention, it is still a practice worthy of providing. When someone goes to prison it potentially harms many others, including the children and youth of incarcerated parents,

whom the circles have helped. The circles are healing and that alone should justify the process.

People learn best from active participation and experience (Bandura, 1997). While a case manager is a welcome resource for most people transitioning out of prison, a reentry plan should be developed with the active participation and at direction of the incarcerated person that it concerns. The circles and positive criminology recognize that incarcerated people have the capability to define their goals, undertake meaningful efforts in making amends for their past behavior and imprisonment, and that they have the ability to achieve criminal desistance. Correctional strategies would be more effective with a positive criminology approach, which would allow incarcerated people transitioning from prison to be the drivers, as they are in this circle model, in their reentry planning.

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